

United States District Court
District of Massachusetts

DOUGLAS C. GREER,

PLAINTIFF,

v.

CIVIL ACTION NO. 05-30001-MAP

**CITY OF SPRINGFIELD, JEFFREY M.
ASHER, JAMES F KERVICK, JAMES L.
SHEWCHUCK, JAMES M. MORIARTY,
JOHN DOES Nos. 1-4, JOHN DOE, No. 5,
and PAULA MEARA, CHIEF OF POLICE,
DEFENDANTS.**

**CITY OF SPRINGFIELD'S AND PAULA MEARA'S OPPOSITION TO
PLAINTIFF DOUGLAS GREER'S MOTION FOR A FINDING OF CONTEMPT
AND REQUEST FOR A HEARING**

Here come the Defendant's City of Springfield and Paula Meara and they respectfully state:

1. The Defendant, City of Springfield has submitted Responses to the Plaintiff's Interrogatories and Requests for Production of Documents on or about May 4, 2006.
2. Within the documents response, the Defendant, City of Springfield, tendered a proposed Confidentiality Agreement before it turned over the personnel and Internal Investigation Unit's ("IIU") files of the defendant officers.
3. The Confidentiality Agreement was returned by the Plaintiff's counsel on or about July 20, 2006.
4. The personnel files of officers Asher, Moriarty, Kervick and Schewchuck have been produced by September 6, 2006.
5. The IIU file of Jeffery Asher was produced to the Plaintiff's September 6, 2006.
6. On September 6, 2006 the Defendant Paula Meara's personnel file was produced on September 6, 2006.

7. The City of Springfield continues to gather documentary responses and shall forward same to Plaintiff's counsel upon receipt.
8. The Defendants submit, if the Plaintiff is not satisfied by the discovery responses provided by the City of Springfield, the defendants should submit a Motion to Compel Further Answers and Responses rather than a Motion for Contempt.
9. Counsel for the Defendant, Paula Meara, by oversight failed to respond to her discovery requests. After the Plaintiff's Motion to Compel was allowed counsel for the Defendants erroneously believed the only remaining outstanding discovery related to the City of Springfield.
10. The Defendant, Paula Meara's answers to Interrogatories will be provided to the Plaintiff at her deposition scheduled for September 8, 2006 and a date yet to be determined.
11. The Defendants suggest if their Motion for Bifrucation is allowed most of the discovery sought by the Plaintiff will be moot as the outstanding discovery relates to the *Monell* claims. The Defense counsel also notes that in January of 2006 parties discussed the Motion for Bifrucation and Defense counsel was under the mistaken impression that the parties would assent to bifurcation.

WHEREFOR, the Defendants hereby request that this court :

1. Deny the Plaintiff's Motion for Contempt;
2. Treat the Plaintiff's Contempt Motion as a Motion to Compel Further Discovery;
and
3. Consider the Plaintiff's Motion to Compel Further Discovery at the same time it considers the Defendant's Motion for Bifrucation.

The Defendants, City of Springfield and Paula Meara, respectfully request a Hearing before this court on this matter.

CERTIFICATE OF SERVICE

Walter B. Prince, Esq. and William A. Worth,
Esq.
Prince, Lobel, Glovsky & Tye LLP
585 Commercial Street
Boston, MA 02109

I hereby certify that I caused the within Motion
of the Defendant, to be served on plaintiff by
delivering a copy to his above named Attorneys
on this 7th day of September, 2006.

Michael E. Mulcahy, Esq.

**THE DEFENDANTS
CITY OF SPRINGFIELD and
PAULA MEARA**

By their Attorney

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